



# Town of Southern Shores

5375 N. Virginia Dare Trail, Southern Shores, NC 27949

Phone 252-261-2394 / Fax 252-255-0876

info@southernshores-nc.gov

www.southernshores-nc.gov

## PLANNING BOARD GENERAL APPLICATION FORM TOWN OF SOUTHERN SHORES, NC 27949

Date: 8/27/18

Filing Fee: \$200

Receipt No. 159929 Application No. 2TA-18-08

**NOTE:** The Planning Board will follow the specific provisions of the Zoning Ordinance Chapter 36. Article X Administration and Enforcement, Section 36-299.

Please check the applicable Chapter/Article:

- ☐ Chapter 30. Subdivisions-Town Code
- ☐ Chapter 36. Article VII. Schedule of District Regulations. Section 36-207 C-General Commercial District
- ☐ Chapter 36. Article IX. Planned Unit Development (PUD)
- ☐ Chapter 36. Article X. Administration and Enforcement, Section 36-299 (b) Application for Building Permits and Site Plan Review other than one and two family dwelling units \*
- ☐ Chapter 36. Article X. Section 36-300-Application for Permit for Conditional Use
- ☐ Chapter 36. Article X. Section 36-303 Fees
- ☐ Chapter 36. Article X. Section 36-304-Vested Rights
- ☒ Chapter 36. Article XIV. Changes and Amendments

**Certification and Standing:** As applicant of standing for project to be reviewed I certify that the information on this application is complete and accurate.

### Applicant

Name MARC MURRAY FINCH & CO INC.  
Address: 116 SANDY RIDGE ROAD  
DUCK, NC 27949  
Phone 252 9879 Email marcmurray@gmail.com

### Applicant's Representative (if any)

Name MARC MURRAY  
Agent, Contractor, Other (Circle one)  
Address \_\_\_\_\_  
Phone \_\_\_\_\_ Email \_\_\_\_\_

Property Involved: ☒ Southern Shores ☐ Martin's Point (Commercial only)

Address: 237 WOODLAND DR Zoning district RS-1

Section \_\_\_\_\_ Block 95 Lot 77 Lot size (sq.ft.) \_\_\_\_\_

Request: ☐ Site Plan Review ☐ Final Site Plan Review ☐ Conditional Use ☐ Permitted Use  
☐ PUD (Planned Unit Development) ☐ Subdivision Ordinance ☐ Vested Right ☐ Variance

Change To: ☐ Zoning Map ☒ Zoning Ordinance

Marc Murray  
Signature

8/27/2018  
Date

\* Attach supporting documentation.



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ZTA-18-08

AN ORDINANCE AMENDING THE CODE OF ORDINANCES  
OF THE TOWN OF SOUTHERN SHORES, NORTH CAROLINA

**ARTICLE I. Purpose(s) and Authority.**

**WHEREAS**, pursuant to N.C.G.S. § 160A-381, the Town of Southern Shores (the "Town") may enact and amend ordinances regulating the zoning and development of land within its jurisdiction and specifically the location and use of buildings, structures and land. Pursuant to this authority and the additional authority granted by N.C.G.S. Chap. 160A, Art. 19 et. seq, the Town has adopted a comprehensive zoning ordinance (the "Town's Zoning Ordinance") and has codified the same as Chapter 36 of the Town's Code of Ordinances (the "Town Code"); and

**WHEREAS**, pursuant to N.C.G.S. § 160A-174 the Town may also enact and amend ordinances that define, prohibit, regulate, or abate acts, omissions, or conditions, detrimental to the health, safety, or welfare of its citizens and the peace and dignity of the Town; and

**WHEREAS**, the Town further finds that in accordance with the findings above it is in the interest of and not contrary to the public's health, safety, morals and general welfare for the Town to amend the Town's Zoning Ordinance and Town Code of Ordinances as stated below.

**ARTICLE II. Construction.**

For purposes of this ordinance amendment, underlined words (underline) shall be considered as additions to existing Town Code language and strikethrough words (~~strikethrough~~) shall be considered deletions to existing language. Any portions of the adopted Town Code which are not repeated herein, but are instead replaced by an ellipses ("...") shall remain as they currently exist within the Town Code.

**ARTICLE III. Amendment of Zoning Ordinance.**

NOW, THEREFORE, BE IT ORDAINED by the Town Council of the Town of Southern Shores, North Carolina, that Section 36-163 the Town Code shall be amended as follows:

**PART I.** That Town Code Sec. 36-202, (d) be amended as follows:

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...

(7) Height.

- a. For properties that are not in a flood zone (X Flood Zone), maximum building height shall be 35 feet measured from the average of the corners using original grade. In those cases where the average grade of the corners is higher than 7 feet mean sea level (msl), the use of fill or redistribution of fill shall not exceed the average elevation. In those cases where the average grade of the corners is lower than 7 feet mean sea level (msl), the use of fill or redistribution of fill may be permitted up to 7 feet above mean sea level (msl) which is then used as the starting point for calculating the elevation.
- b. For properties that are in an AE flood zone, maximum building height shall be 35 feet measured from the average of the corners of original grade. The use of fill or redistribution of fill shall not exceed the average elevation. The use of fill or redistribution of fill may be permitted up to ~~7 feet above mean sea level (msl)~~ the regulatory flood protection elevation which is then used as the starting point for calculating the elevation.
- c. For properties that are in a VE flood zone, maximum building height shall be 35 feet measured from the average of the corners of original grade (fill is regulated by FEMA).

**ARTICLE IV. Statement of Consistency with Comprehensive Plan and Reasonableness.**

The Town's adoption of this ordinance amendment is consistent with the Town's adopted comprehensive zoning ordinance, land use plan and any other officially adopted plan that is applicable. For all of the above-stated reasons and any additional reasons supporting the Town's adoption of this ordinance amendment, the Town considers the adoption of this ordinance amendment to be reasonable and in the public interest.

**ARTICLE V. Severability.**

All Town ordinances or parts of ordinances in conflict with this ordinance amendment are hereby repealed. Should a court of competent jurisdiction declare this ordinance amendment or any part thereof to be invalid, such decision shall not affect the remaining provisions of this ordinance amendment nor the Zoning Ordinance or Town Code of the Town of Southern Shores, North Carolina which shall remain in full force and effect.

**ARTICLE VI. Effective Date.**

This ordinance amendment shall be in full force and effect from and after the \_\_\_\_ day of \_\_\_\_\_, 2018.

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ATTEST:

\_\_\_\_\_  
Town Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Town Attorney

\_\_\_\_\_  
Mayor

Date: \_\_\_\_\_

Vote: Ayes Naves